



PTO/SB/21 (04-04)

1637
JLW**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/077,383
Filing Date	February 15, 2002
First Named Inventor	Haydock, Paul V.
Art Unit	1637
Examiner Name	Alexander H. Spiegler
Attorney Docket Number	022269-001110US

Total Number of Pages in This Submission

3

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Return Postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP	Reg. No. 51,686
Signature		
Date	October 18, 2004	

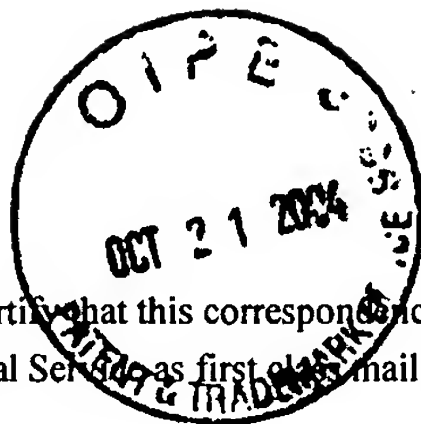
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Jo Ann Honcik Dallara
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Signature

Date	October 18, 2004
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PATENT
Attorney Docket No.: 022269-001110US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On October 18, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: 

Jo Ann Honcik Dallara

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HAYDOCK and U'REN

Application No.: 10/077,383

Filed: February 15, 2002

For: NUCLEIC ACID
AMPLIFICATION USING AN RNA
POLYMERASE AND DNA/RNA
MIXED POLYMER INTERMEDIATE
PRODUCTS

Customer No.: 20350

Confirmation No. 3693

Examiner: Alexander H. Spiegler

Technology Center/Art Unit: 1637

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 17, 2004, Applicants elect Group II, claims 7-36, drawn to methods of amplifying target nucleic acids. The response is due on October 17, 2004, a Sunday, making the final due date October 18, 2004.

The foregoing election is made with traverse, as the two groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups I and II would not place a substantially greater burden on the

Atty. Docket No. 022269-001110US

PATENT

Appl. No. 10/077,383

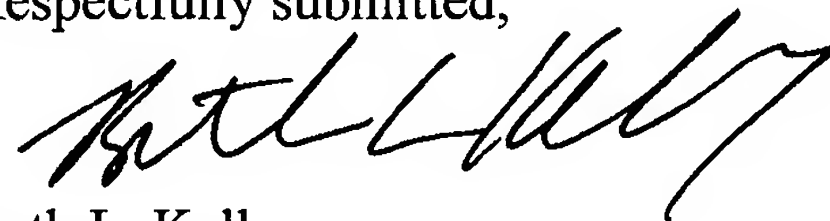
Resp. to Rest. Req. dated October 18, 2004

Reply to Office Action of September 17, 2004

Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Beth L. Kelly', with a stylized flourish at the end.

Beth L. Kelly
Reg. No. 51,868

TOWNSEND and TOWNSEND and CREW LLP

Two Embarcadero Center, Eighth Floor

San Francisco, California 94111-3834

Tel: 415-576-0200

Fax: 415-576-0300

Attachment: Transmittal Form

BLK:blk/jhd

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